

COPY

**BEFORE THE CONTROL OFFICER OF THE
MARICOPA COUNTY
AIR QUALITY DEPARTMENT**

Maricopa County

Date Stamp Here:

RECEIVED

JAN - 2 2008

**MCAQD
AIR QUALITY DEPARTMENT
ENFORCEMENT DIVISION**

In the Matter of:

Hickman's Egg Ranch, Inc.
6515 South Jackrabbit Trail
Buckeye, AZ 85326

Respondent

ORDER OF ABATEMENT BY CONSENT

Number **NV-050-07-GLB**

Permit #: **040136**

I. NOTIFICATION

You are hereby notified that the Control Officer of the Maricopa County Air Quality Department (hereinafter "MCAQD") has reasonable cause to believe that Hickman's Egg Ranch operated in violation of Maricopa County Air Pollution Control Regulations (hereinafter "Regulation") adopted by the Maricopa County Board of Supervisors.

II. JURISDICTION

The Control Officer has jurisdiction over the subject matter of this action and is authorized to enter into this Order of Abatement by Consent ("Order") pursuant to A.R.S. § 49-511 and Regulation I, Rule 110, Section 301, Violations; Order of Abatement.

III. FINDING OF VIOLATION

On 8/11/06, MCAQD issued the Notice of Violation #26905 to Hickman's Egg Ranch, pursuant to Maricopa County Air Pollution Control Regulation Rule 310 § 306: Failure to implement control measures before, after, and while conducting operations.

IV. TERMS AND CONDITIONS

A. MCAQD agrees not to pursue criminal or civil remedies authorized by A.R.S. § 49-502 and A.R.S. § 49-513 against Hickman's Egg Ranch for violations alleged in Section III of this Order. MCAQD agrees not to request the United States Environmental Protection Agency (hereinafter "EPA") to overfile on any violations alleged in this Order. MCAQD

also agrees not to request EPA to consider any other enforcement action under EPA authority for violations alleged in this Order. In no way does this Order limit the authority of EPA to bring an action on any violations alleged in this Order.

- B. In return, and without admitting to the violations alleged in Section III of this Order, Hickman's Egg Ranch agrees to pay MCAQD a total sum of **\$2,600.00**, due on or before **January 2, 2008**. Monetary payment received by MCAQD pursuant to this agreement shall be deposited in the special public health fund established by A.R.S. § 49-480. This payment may not be claimed as a deduction or other business expense on any form of tax return. Payment shall be made payable to the Maricopa County Air Quality Department and submitted to the attention of **MCAQD, Air Enforcement Division, 1001 North Central Avenue, Suite 600, Phoenix, Arizona 85004-1989**.
- C. Failure by Hickman's Egg Ranch to make full and timely payment consented to herein may subject Hickman's Egg Ranch to pay interest assessed pursuant to A.R.S § 49-113(B). In the event that subsequent legal action is necessary to collect payment and interest required by this Order, Hickman's Egg Ranch shall pay all additional enforcement expenses. These expenses shall include attorney's fees and the costs incurred by Maricopa County for the collection proceedings.
- D. Failure by Hickman's Egg Ranch to make full and timely payment consented to herein may result in referral of the matter to a collections agency for further action and the reporting of the failure to pay to credit reporting services. In the event of referral to a collections agency Hickman's Egg Ranch is responsible for all additional expenses related to the collections effort.
- E. Hickman's Egg Ranch agrees to comply with those Maricopa County Air Pollution Control Regulations described in Section III of this Order.
- F. MCAQD agrees that payment in full by Hickman's Egg Ranch of the total sum required by Paragraph B of this Section constitutes complete satisfaction to MCAQD that the violations alleged in Section III of this Order were resolved appropriately.

V. **GENERAL PROVISIONS**

- A. MCAQD and Hickman's Egg Ranch are the Parties to this Order.
- B. All communications with MCAQD, including submittals, plans, and other items arising from this Order, shall be directed to the attention of:

Georgina Bristow, Senior Enforcement Officer
Maricopa County Air Quality Department
1001 N. Central Avenue, Suite 600
Phoenix, Arizona 85004-1989

- C. If any delay or anticipated delay in meeting the terms and conditions of this Order are caused by unforeseeable circumstances beyond the control of Hickman's Egg Ranch and cannot be overcome by due diligence, the time for performance under this Order may be extended by written amendment to this Order for a period no longer than the delay resulting from such circumstances. Hickman's Egg Ranch shall notify MCAQD in writing within five (5) calendar days after the date that Hickman's Egg Ranch first knew or reasonably should have known that such circumstances may or will cause a delay or anticipated delay. Economic factors shall not be considered sufficient cause for extension of deadlines established by this Order.
- D. The Parties to this Order promise to take all actions reasonably necessary to comply with the terms, conditions, and provisions of this Order.
- E. If, after the effective date of this Order (as defined in Section VI), any provision is held to be illegal, invalid or unenforceable under present or future laws effective during the duration of this Order, such provision shall be fully severable.
- F. This Order shall not be modified or amended except by written instrument signed by the Parties to this Order.
- G. The validity, construction, interpretation, and administration of this Order shall be governed by the laws of the State of Arizona. The Parties declare that there are no other written documents between them affecting this Order; and the Parties agree that this document is the exclusive statement of the terms and conditions of this Order.

VI. APPEAL AND EFFECTIVE DATE

Hickman's Egg Ranch hereby waives its right to appeal this Order under A.R.S. § 49-490. This Order shall be effective upon the latter date, if any, of signature by the Parties ("Effective Date"). Signature by each party on any copy of this Order shall constitute signature of this Order for determining the Effective Date.

VII. RELIEF

Hickman's Egg Ranch acknowledges that failure to comply with this Order may result in an action by MCAQD for criminal or civil penalties pursuant to A.R.S. § 49-502 and A.R.S. § 49-513,

injunctive relief pursuant to A.R.S. § 49-512, and class 5 felony penalties for knowingly violating this Order pursuant to A.R.S. § 49-514.D.

VIII. SIGNATORIES

The undersigned representatives of MCAQD and Hickman's Egg Ranch certify that they are authorized to enter into the terms and conditions of this Order and bind legally the Parties to this Order.

MARICOPA COUNTY AIR QUALITY DEPARTMENT

Signature: 

Print Name: Georgina Bristow

Title: Senior Enforcement Officer

Date: 1/2/08

Ratified by: 

Robert Kard, Control Officer

Date: 1/3/08

HICKMAN'S EGG RANCH, INC.

Signature: 

Print Name: Billy Hickman

Title: Vice President

Date: 1-2-08



**AIR QUALITY
Department**

**ONE
STOP
SHOP**

RECEIPT #: AQ08000092

TRANSACTION DATE: 01/04/2008

TRACKING #: AQ08000098

TYPE: Air Quality Fees

SITE ADDRESS:

PARCEL:

PERMIT NUMBER/APPLICATION ID #: NV05007GLB

TRANSACTION AMOUNT: 2,600.00

NOTATION: ENFORCEMENT PAID IN FULL

TRANSACTION LIST

Type	Method	Description	Amount
Payment	Check	1593	2,600.00

RECEIPT ACCOUNT ITEM LIST

Item#	Description	Account Code	Tot Fee	Paid	Prv. Pmts	Cur. Pmts
7130	Non-V/GP/Burn/A	504-852-8570	2,600.00	2,600.00	.00	2,600.00

BALANCE DUE: \$0.00